

AMENDMENTS TO LB 273

Introduced by Government, Military and Veterans Affairs.

1 1. Strike the original sections and insert the following
2 new sections:

3 Section 1. Section 33-117, Reissue Revised Statutes of
4 Nebraska, is amended to read:

5 33-117 (1) The several sheriffs shall charge and collect
6 fees at the rates specified in this section. The rates shall be
7 as follows: (a) Serving a capias with commitment or bail bond and
8 return, two dollars; (b) serving a search warrant, two dollars; (c)
9 arresting under a search warrant, two dollars for each person so
10 arrested; (d) unless otherwise specifically listed in subdivisions
11 (f) to (s) of this subsection, serving a summons, subpoena, order
12 of attachment, order of replevin, other order of the court, notice
13 of motion, other notice, other writ or document, or any combination
14 thereof, including any accompanying or attached documents, ~~ten~~
15 twelve dollars for each person served, except that when more than
16 one person is served at the same time and location in the same
17 case, the service fee shall be ~~ten~~ twelve dollars for the first
18 person served at that time and location and ~~two~~ three dollars and
19 ~~fifty cents~~ for each other person served at that time and location;
20 (e) making a return of each summons, subpoena, order of attachment,
21 order of replevin, other order of the court, notice of motion,
22 other notice, or other writ or document, whether served or not,
23 ~~five~~ six dollars; (f) taking and filing a replevin bond or other

1 indemnification to be furnished and approved by the sheriff, one
2 dollar; (g) making a copy of any process, bond, or other paper not
3 otherwise provided for in this section, twenty-five cents per page;
4 (h) traveling each mile actually and necessarily traveled within
5 or without their several counties in their official duties, three
6 cents more per mile than the rate provided in section 81-1176,
7 except that the minimum fee shall be fifty cents when the service
8 is made within one mile of the courthouse, and, as far as is
9 expedient, all papers in the hands of the sheriff at any one time
10 shall be served in one or more trips by the most direct route
11 or routes and only one mileage fee shall be charged for a single
12 trip, the total mileage cost to be computed as a unit for each
13 trip and the combined mileage cost of each trip to be prorated
14 among the persons or parties liable for the payment of same;
15 (i) levying a writ or a court order and return thereof, ~~fifteen~~
16 eighteen dollars; (j) summoning a grand jury, not including mileage
17 to be paid by the county, ten dollars; (k) summoning a petit jury,
18 not including mileage to be paid by the county, twelve dollars;
19 (l) summoning a special jury, for each person impaneled, fifty
20 cents; (m) calling a jury for a trial of a case or cause, fifty
21 cents; (n) executing a writ of restitution or a writ of assistance
22 and return, ~~fifteen~~ eighteen dollars; (o) calling an inquest to
23 appraise lands and tenements levied on by execution, one dollar;
24 (p) calling an inquest to appraise goods and chattels taken by an
25 order of attachment or replevin, one dollar; (q) advertising a sale
26 in a newspaper in addition to the price of printing, one dollar;
27 (r) advertising in writing for a sale of real or personal property,

1 five dollars; and (s) making deeds for land sold on execution or
2 order of sale, five dollars.

3 (2) (a) Except as provided in subdivision (b) of this
4 subsection, the commission due a sheriff on an execution or order
5 of sale, an order of attachment decree, or a sale of real or
6 personal property shall be: For each dollar not exceeding four
7 hundred dollars, six cents; for every dollar above four hundred
8 dollars and not exceeding one thousand dollars, four cents; and for
9 every dollar above one thousand dollars, two cents.

10 (b) In real estate foreclosure, when any party to the
11 original action purchases the property or when no money is received
12 or disbursed by the sheriff, the commission shall be computed
13 pursuant to subdivision (a) of this subsection but shall not exceed
14 two hundred dollars.

15 (3) The sheriff shall, on the first Tuesday in January,
16 April, July, and October of each year, make a report to the county
17 board showing (a) the different items of fees, except mileage,
18 collected or earned, from whom, at what time, and for what service,
19 (b) the total amount of the fees collected or earned by the officer
20 since the last report, and (c) the amount collected or earned for
21 the current year. He or she shall pay all fees earned to the county
22 treasurer who shall credit the fees to the general fund of the
23 county.

24 (4) Any future adjustment made to the reimbursement rate
25 provided in subsection (1) of this section shall be deemed to
26 apply to all provisions of law which refer to this section for the
27 computation of mileage.

1 (5) Commencing on and after January 1, 1988, all fees
2 earned pursuant to this section, except fees for mileage, by any
3 constable who is a salaried employee of the State of Nebraska shall
4 be remitted to the clerk of the county court. The clerk of the
5 county court shall pay the same to the General Fund.

6 Sec. 2. Original section 33-117, Reissue Revised Statutes
7 of Nebraska, is repealed.

8 Sec. 3. Since an emergency exists, this act takes effect
9 when passed and approved according to law.